BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI.

There must be evidence to support the finding of the Secretary of Labor. A finding without evidence is beyond the power of the Secretary and if the order is not supported by the Evidence the order is void.

Morgan v. *U. S.*, 298 U. S. p. 478.

U. S. v. *Abilene & S. Railway Co.*, 265 U. S., p. 274.

Baltimore & Ohio Railroad v. *U. S.*, 264 U. S. p. 268.

Interstate Commerce Commission v. *Louisville & National Railway*, 227 U. S. p. 88.

In re Japanese Immigrant case, 189 U. S. p. 86.

Affidavits taken preliminary to the hearing cannot be used in evidence against the alien.

Hanges v. *Whitfield*, 209 Fed. p. 675.

Department of Finance v. *Goldberg*, 370 Ill. 587.

4.

That no valid order of deportation was ever made by any person having authority to issue such an order.

Department of Finance v. *Goldberg*, 370 Ill. 578.

5.

The Court erred in sustaining the respondent's Motion to dismiss the Petition.

6.

The Court erred in not denying respondent's Motion to dismiss the Petition.

Statement of Jurisdiction.

It is the contention of the Petitioner that the finding of the Secretary of Labor is not final as held by the United States Court of Appeals, but that the same may be reviewed by the Court, and (1) if the evidence discloses that the said finding is manifestly unfair, (2) that the action of the executive officers was such as to prevent a fair investigation, (3) that there was a manifest abuse of the discretion committed to them, (4) if there is no evidence adequate to support pertinent and necessary findings of fact, (5) if facts and circumstances were considered which should not legally influence the conclusion, (6) if the finding does not embrace basic facts which are needed to sustain the order, (7) if the Secretary did not weigh the evidence, (8) if the conclusions were influenced by extraneous considerations, then the hearing as provided by the Statute was not given the alien and is beyond the power of the Commission and void. Such finding is arbitrary and condemned by the Constitution. (9) The question of who is authorized to sign the Order of Deportation has never been passed upon by this Court.

In support of this contention, we call the Court's attention to Section 155, Title 8 of the United States Code, which provides,

> "In every case where any person is ordered deported from the United States under the provisions of the sub-chapter, or any law or treaty, the decision of the Secretary of Labor shall be final."

This, therefore, only leaves the question for this Court's decision, is there any competent evidence in the record that the alien was employed by, in, or in connection with a house of prostitution? There is no dispute in the record that the alien was employed by, in and in connec-

tion by, with the Willow Inn at Beaver Dam, Wisconsin, so that the finding of the Commissioner can only be sustained if there is competent evidence in the record that the Willow Inn was a house of prostitution.

In the case of *Law Wah Suey* v. *Backus*, 225 U. S. page 460, it is said:

> "A series of decisions in this Court has settled that such hearing before the executive officers may be made conclusive when fairly conducted. In order to successfully attack by judicial proceedings the conclusions and orders made upon such hearings it must be shown that the proceedings were manifestly unfair, that the action of the executive officers was such as to prevent a fair investigation or that there was manifest abuse of the discretion committed to them by the statute. In other cases, the order by the executive officers within the authority of the statute is final."

and in the case of *Morgan* v. *U. S.*, 298 U. S. pages 478 and 481, it is said:

> "But in determining whether in conducting an administrative proceeding of this sort, the Secretary has complied with the Statutory prerequisites, the recitals of his procedure cannot be regarded as conclusive otherwise the statutory conditions could be set at naught by mere assertion."
>
> "The administrative officer has a duty which carries with it fundamental procedure requirements. There must be a full hearing. There must be evidence adequate to support pertinent and necessary findings of fact. Nothing can be treated as evidence which is not introduced as such. Facts and circumstances which ought to be considered must not be excluded. Facts and circumstances must not be considered which should not legally influence the conclusion. Findings based on the evidence must embrace the basic facts which are needed to sustain the order. A proceeding of this sort requiring the taking and

weighing of evidence, determination of fact based upon the consideration of the evidence and the making of the order supported by such evidence as a quality resembling that of a judicial proceeding. Hence, it is frequently described as a proceeding of a quasi-judicial character. The requirement of a full hearing has obvious reference to the tradition of judicial proceedings in which evidence is received and weighed by the trier of the facts. The hearing is designed to afford the safeguard that the one who decides shall be bound in good conscience to consider the evidence, to be guided by that alone, and to reach his conclusions uninfluenced by extraneous considerations which in other fields might have play in determining fairly executive action. The hearing is the hearing of evidence and argument. If the one who determines the facts which underlie the order has not considered evidence or argument, it is manifest that the hearing has not been given."

Again in the case of *U. S.* v. *Abilene & S. Railway Co.*, 265 U. S. page 274, it is said:

"A finding without evidence is beyond the power of the commission. Papers in the commissioner's files are not evidence in a case."

and in the case of *Baltimore & Ohio R. R. Co.* v. *U. S.*, 264 U. S. page 268:

"An order which, by statute, can be made only after hearing, is void if unsupported by the evidence."

and we also find in the *Interstate Commerce Commission* v. *Louisville & National R. R. case*, 227 U. S. page 88:

"A finding without evidence is arbitrary and useless, and an act of Congress granting authority to anybody to make a finding without evidence would be inconsistent with justice and an exercise of arbitrary power condemned by the Constitution. Administrative orders quasi-judicial in character are void if a hearing is denied, if the hearing granted is manifestly unfair, if the finding is indisputably contrary to the

evidence, or if the facts found do not, as matter of law, support the order made. The legal effect of evidence is a question of law, and a finding without evidence is beyond the jurisdiction of the Commissioner. There the party affected is entitled to a hearing, the Commission, cannot base an order on the information which it has gathered for general purposes. The order must be based on evidence produced."

In the case involving the deportation of an alien, that is the case known as the *Japanese Immigrant case*, 189 U. S. page 86, it is said:

> "It is not competent for the Secretary of the Treasury or any executive officer arbitrarily to cause an alien who has entered the country, and has become subject in all respects to its jurisdiction and a part of its population, although alleged to be illegally here, to be taken into custody and deported without giving him all opportunity to be heard upon the questions involving his right to be and remain in the U. S. No such arbitrary power can exist where the principles involved in due process of law are recognized.
>
> The words here used do not require an interpretation that would invest executive or administrative officers with absolute arbitrary power."

Also, the deportation case brought up before the Court upon Habeas Corpus, *i. e.*, *Hanges* v. *Whitfield*, 209 Fed. page 675:

> "In Habeas Corpus proceedings brought by an alien for deportation, the Court cannot consider the sufficiency of the evidence if properly and fairly taken, but may, and it is its duty to, consider the means of procuring the testimony and its competency and legal admissibility against petitioner, and determine whether or not he has had a fair and impartial hearing.
>
> *Ex parte* affidavits may be taken preliminary to and as a basis for an application for a warrant for the arrest of an alien, so charged, but such affidavits cannot be again used in evidence against him on his hear-

ing after arrest, at which he is entitled to be represented by counsel and to cross-examine the witness against him. Where counsel was denied the right to have the person making the affidavits called for examination and were unable to procure their testimony, it is held that the charge against them was not supported by any competent testimony, nor were they given a fair hearing and that they were entitled to be discharged."

From these decisions, we contend that the Court should examine the evidence to ascertain whether or not there is any competent evidence in the record upon which to sustain the finding of the Department of Immigration, and if there is no such competent evidence, this Court should grant the petition of Habeas Corpus and release the alien from custody of the Immigrant Officer.

In order to save the Court time of reading the entire record herein, we have, we believe, fairly and honestly abstracted all of the testimony and submit said abstract of testimony herewith for your Honor's consideration.

We believe the Court should note the character of the witnesses that appeared on behalf of the alien, *i. e.*, the District Attorney of the County where the alien resides, the Sheriff of said County, the Chief of Police both of Beaver Dam and of Fond du Lac, Wisconsin, the State Representative of said District, the Banker of Beaver Dam, and practically all of the business people in and around Beaver Dam, all of whom speak of the alien as being a man of the highest reputation, and the Court will also notice that most of these men have frequented the Willow Inn with their families. We do not believe that this Court will hold that these citizens are so depraved as to take their families to a house of prostitution for entertainment.

It will also be noticed that the only evidence which even

slightly tends to indicate that the Willow Inn was a house of prostitution, were two witnesses who stated that they heard girls solicit men in said Willow Inn, but they state that they were not solicited and that they merely inferred, or guessed, or suspected that the girls were there for the purpose of prostitution. We do not believe that this Court will condemn the alien on any witnesses' guess or suspicion without any positive proof.

We will not even comment on the testimony of the man who instigated these proceedings against the alien, *i. e.*, Kanelos Paskos, as the record will show that his reputation for truthfulness and veracity was impeached by each and every one of the witnesses for the alien, and the evidence shows that he has been convicted on about every charge from driving a car without a license to murder; and after all, the only testimony found in the record as given by the said Paskos before the Commissioner was that he, Paskos, was arrested in Rockford for carrying a gun, was arrested in Beaver Dam for selling beer without a license, was arrested and fined $25.00 for driving a car without a license; that he went to the court house to find out whether or not Gus Phillips was the owner of the building, and that he inquired of the Registrar of Deeds as to whether Gus Phillips was a citizen.

On the testimony as to the character of the Willow Inn tavern or of the alien, it is true that there is attached to the record several statements by the Inspectors and others of the reports which had been made to them about the character of the Willow Inn, but we submit to your Honors, that under the decision cited above, those reports, without opportunity of the alien to examine the parties upon whom the Inspector relied for information, cannot be considered by this Court in deciding whether or not there was competent evidence before the Inspector upon which to base his order for deportation.

The Circuit Court of Appeals therefor, in its opinion filed herein, has misapprehended and misconstrued the argument of Petitioner.

The Circuit Court of Appeals in its opinion filed therein, has misapprehended and misconstrued the decisions of the United States Supreme Court.

It is not our intention to reargue the facts and law in this court, but will only endeavor to call the court's attention to the facts and the law which we believe the United States Circuit Court of Appeals has either misapprehended or overlooked.

The recent case of *Curier Post Publishing Company* v. *Federal Commission*, decided in the United States Circuit Court of Appeals for the District of Columbia on March 6, 1939 (Volume Citation not available to writer), involved the granting of a permit to Construct a Radio Station. Section 402(e) of the Communications Act of 1934, 47 U. S. C. A., 402(e) provides in part:

> "That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious."

The Court there said:

> "The Supreme Court has declared substantial evidence to be 'more than a scintilla, and must do more than create a suspicion of the existence of the fact to be established.' It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." (*Consolidated Edison Co.* v. *National Labor Relations Board*, 59 S. Ct., 206—83 L. Ed. decided December 5, 1938.)

They held in that case:

> "The commission's finding cannot be regarded as other than arbitrary and capricious. While the commission is not bound by the findings of the examiner, it is itself charged with the responsibility of making findings."

The Supreme Court in the case of *Law Mah Suey* v. *Backus*, 225 U. S., P. 460, says:

> "In order to successfully attack by judicial proceedings the conclusions and orders made upon such hearings it must be shown that the proceedings were manifestly unfair * * * that there was a manifest abuse of the discretion committed to them by the statute."

and in the case of *Morgan* v. *U. S.*, Page 478, the Supreme Court says:

> "There must be evidence adequate to support pertinent and necessary findings of fact * * * findings based on evidence must embrace the basic facts which are needed to sustain the order. A proceeding of this sort requiring the taking and weighing of evidence, determination of fact based upon the consideration of the evidence and the making of the order supported by such evidence as a quality resembling that of a judicial proceeding."

Again in the case of *U. S.* v. *Abilene and S. Railway Co.*, 265 U. S., Page 274:

> "A finding without evidence is beyond the power of the commission."

and in *Baltimore and Ohio Railroad* v. *U. S.*, Page 268:

> "An order which by statute can be made only after a hearing is void if unsupported by evidence."

It will be noticed that these quotations are taken from the opinions of the United States Supreme Court and not

from the opinions of the several United States Courts of Appeals found in the Federal Reporter. We do not rely solely upon the opinion of *Hanges* v. *Whitfield*, 209 Federal, Page 675, as stated by the Circuit Court of Appeals in its opinion in the instant case.

The question, therefore, is, was there a manifest abuse of discretion by the Secretary of Labor? Did he weigh the evidence? Is the finding supported by the evidence? Is there any evidence adequate to support pertinent and necessary findings of fact?

The decision of the Circuit Court of Appeals is based upon the statement in the opinion that the testimony of Appellant's witnesses

> "was negative in character and did not preclude the Secretary of Labor from determining the issue presented adversely by Appellant upon the direct and positive evidence before him."

The gist of this action is that the Willow Inn, where the Appellant is employed, is a house of prostitution.

We will not here repeat the testimony of the numerous witnesses as to the character and reputation of the Petitioner. No one will contend that the Petitioner cannot look upon this record with pride as to what his neighbors have to say about him.

Is there any competent evidence in this record from which any court passing judicially upon the question can hold that his place of employment was a house of prostitution?

Byron Goodall testified:

> "I am an Immigration Inspector at Chicago. I investigated several places around Beaver Dam in 1936, including the Willow Inn. I was stopped at some of

these places and solicited, but I was never personally solicited at the Willow Inn. I have been told that the Willow Inn was a place operated as a house of prostitution. I inquired of several persons in and around Beaver Dam and they all told me that the Willow Inn was a house of prostitution."

We ask, is it not manifestly unfair, is it not manifestly an abuse of discretion for any court or quasi judicial body to find such testimony supports the finding that the Willow Inn is a house of prostitution? Does this evidence satisfy the rule laid down in the cases above referred to?

HAROLD STOFFLER, a witness on behalf of the Government, testified:

"I have been at the Willow Inn and saw girls there. I took it for granted they wanted me to go to bed with them. Only through hearsay did I hear that the place was a house of prostitution. I cannot prove that, although I believe it to be true."

HENRY KRUEGER and OTTO BECKER testified:

"I saw one other girl there besides Mrs. Phillips. There was only one lady in back of the bar and she served drinks."

WALTER BUSCHKOPF, Sheriff of Dodge County, says:

"I never had any reports about the place being a house of prostitution. I have had many reports about other places, and they have all been closed."

JOHN SARTINO testified:

"I never was solicited there."

OTTO BECKER says:

"They never had any girls there when I was there."

CLARA FAGAS says:

"I told them I was a decent girl; that at the time I was working there, there was no other girls there."

GEORGE GROLING, Chief of Police:

"I never heard that the place had any girls there. I never heard any reports about the place."

E. E. SCHUMACHER, District Attorney:

"I never had any complaints against the Willow Inn. I never heard by reputation or otherwise that the Willow Inn was run as a house of prostitution."

STEVE CONES:

"I am a married man and have nine children. When ever I went there no women ever solicited me. I never saw any women hanging around there."

DANIEL M. FREITAG:

"The only women I saw there were always escorted."

TOM ELLAN:

"I never heard anything about the Willow Inn. No one solicited me. It is run as an ordinary tavern."

ARTHUR CISCO:

"No women ever solicited me there."

HARRY BEN HENDLER:

"I have never been solicited by anyone there. It has always been operated as a good clean tavern."

EMMERSON WALDHEIR:

"I have never heard that the place was being conducted as a house of ill fame."

HENRY KRUEGER, Assemblyman and Town Chairman, whose duty it was to issue tavern licenses:

> "I have never had any complaints of any nature against that tavern."

We have quoted extensively from the evidence, not as a reargument thereof, but merely to point out to the court wherein the Circuit Court of Appeals misapprehended the evidence in stating in its opinion that:

> "This testimony, however, was negative in character."

and that the Secretary of Labor determined:

> "the issue presented adversely to Appellant upon direct and positive evidence before him."

These statements of the witnesses are not negative in character but are positive assertions of fact and stand unimpeached in the record. We ask the District Attorney to quote a scintilla of evidence in the record of any man ever having had intercourse with a woman at the Willow Inn. The finding of the Department of Labor and the decision of the United States Circuit Court of Appeals is based entirely upon what someone told someone else and not upon the testimony heard before the Inspector. Again we ask, was there

> "a manifest abuse of discretion committed?"

Did the Department hear the evidence? Was the "order supported by such evidence as a quality resembling that of a judicial proceeding?"

It is true that the witness McClurg said:

> "These girls took guys up to the room."

but immediately qualified his statement by "I suppose." He also stated that some girl there solicited him for prostitution, but may we ask can any man visit almost any tavern or hotel lobby and not be solicited by some woman?

The fact that some woman solicits a man in a tavern proves nothing as to the fact that that tavern is a place run as house of prostitution.

Henry Stoffler also testified that he had a conversation with girls there and that they asked him to go to bed with them; that at one time two girls asked him and his friend if they would buy them a drink, and one of the girls asked him if he would go upstairs with them. But, he does not in any way connect the girls present there with the management of the Willow Inn.

We have always understood that testimony must be considered in the light of innocence—not guilt. From aught that appears from his testimony, these girls may have been strangers or guests visiting there and the management have no knowledge of their nefarious trade. We all know that such things happen every day in the most fashionable hotels in our city. It is beyond our comprehension that the government inspectors in those short and few visits to Beaver Dam, could collect sufficient evidence to brand the Willow Inn as a house of prostitution, whereas every official in Dodge County and Beaver Dam, after repeated investigations, never heard one word indicating such to be the fact.

In reference to the affidavits offered in evidence, we have only this to say, the United States Circuit Court of Appeals in its opinion says:

> "The record does not disclose whether the persons who made these affidavits were all personally present, but we assume they were."

We do not believe that the court should assume anything, but should pass judgment upon the Petitioner upon the facts as disclosed by the record.

As a matter of fact, the record discloses that the persons that made the affidavits were not all present. The

affidavit of Mary Martin was introduced in evidence, and which affidavit is one most relied upon, by the respondent, but the evidence discloses in the testimony of Lawrence Giesking, Government Inspector that the Martin woman was deported to Mexico long before the hearing and that it was impossible to have her present to testify.

The Appellate Court in the instant case held that inasmuch as the privilege of cross examining the witness at the hearing was waived by his counsel, the affidavits theretofore taken were properly received in evidence.

We believe that the Supreme Court of Illinois in the case of *Union Mutual Life Insurance Company* v. *Slee*, 123 Illinois, Page 57, on Page 95, correctly state the rule as follows:

> "The party is entitled to be present and listen to the testimony of the witness as it is detailed to him in chief, and to then, or as soon thereafter as convenience will admit, cross-examine him; and it does not cure the error or denying this opportunity, to allow him, at some subsequent day, to have the witness brought before the master in chancery for his cross-examination. It is important that a party shall be allowed an opportunity to confront witnesses who may testify against him while giving their hostile evidence."

The reasonableness of this rule and the unreasonableness of the rule as stated by the Appellate Court in the instant case, is clearly demonstrated by the evidence of the witness, Clara Fagas, in the instant case. In the affidavit presented before the hearing she gave very damaging testimony against the Petitioner but when she appeared at the hearing to testify, she repudiated all that testimony and gave very favorable testimony on behalf of your Petitioner.

In conclusion, we again wish to call the court's attention to the case known as the *Japanese Immigrant* case, 189

U. S., Page 86, cited in our original brief, where the Supreme Court says that it is not competent for the Secretary of the Treasury or any executive officer arbitrarily to cause an alien to be deported,

> "no such arbitrary power can exist where the principals involved in due process of law are recognized."

The alien here testified that he legally entered the United States in September, 1907; that he never committed a crime or misdemeanor and that he has never been an inmate of a house of prostitution or managed such or assisted in the management of such, nor employed in or connected with such a place, that he never managed a dance or music hall or any place frequented by prostitutes or derived any benefits therefrom, or shared in the earnings of prostitutes; that he came to this country when he was a kid and that although he has been here for thirty years, he has not violated any laws and has tried to become an American citizen. In fact, we believe, if we may be frank with the court, that the United States Circuit Court of Appeals rendered this adverse opinion against the alien, because the court felt it should not give much consideration to an alien who has been here for thirty years and has not become a citizen. But the record discloses, although not abstracted, that many years ago the alien did apply for his citizen papers, but because of leaving the State where such application was made, he did not go on with his application. It is further a fact, which we are sure the District Attorney will not dispute, that these very proceedings were instigated by the fact that the alien again made application for citizenship and the investigations made by the Department were made not toward his deportation, but to ascertain whether or not he was elligible to citizenship.

ARGUMENT.

The petition was denied upon a motion of the District Attorney to dismiss the said petition for Writ of Habeas Corpus. In said motion, it is stated:

> "The Secretary of Labor, having considered the evidence directed the petitioner's deportation to Greece on the charge that the petitioner is subject to deportation under Section 19 of the Immigration Act of February 5, 1917."

That statement, we will endeavor to show is not a true statement of the facts. Said motion also alleges that the petitioner appealed a former decision of this court to the United States Supreme Court and that certiorari was denied, giving the trial court the impression that the Supreme Court had considered the merits of this cause. However, the order of the Supreme Court was that the said petition for certiorari be denied "for the reason that application therefore was not made within the time provided by law." It is also stated in said motion to dismiss the petitions that:

> "The Court is further informed that the petition for Habeas Corpus, now before this Court, is identical with the original petition which was dismissed by this Court, and which order of dismissal was affirmed by the Circuit Court of Appeals and certiorari was denied by the United States Supreme Court. No new issues of any kind or rights have the new petition."

None of the above quotations are borne out by the record and had the Court required the Respondent to answer said petition, said statements could have been refuted by the petitioner. The record discloses that the Secretary of Labor did not direct the petitioner's deportation. Said

order of deportation was signed by Turner W. Battle, Assistant to the Secretary of Labor and not by the Secretary of Labor as by the statute provided.

> "In every case where any person is ordered deported by the United States under the provisions of this act or of any law or treaty, a decision of the Secretary of Labor shall be final."

The present petition for Habeas Corpus alleged among other provisions

> "that the said Andrew Jordan, District Director of Immigration at Chicago, Illinois, or any other officers having custody of your petitioner has no warranty whatsoever, for the commitment or detention of your petitioner."

That allegation was not contained in the original petition of Habeas Corpus filed herein and was not passed upon by the Appellate Court in the former appeal. The present petition for Habeas Corpus therefore, was not identical with the original petition which was before this Court. It is our contention that the trial court should not have taken the allegations contained in the motion to dismiss the petition for Habeas Corpus as true but should have required said allegations to be contained in an answer or reply to the petition. We contend that the Assistant Secretary of Labor had no authority to sign the order of deportation; that the right to sign such an order is a quasi judicial function which cannot be delegated but can be exercised solely by the one authorized so to do so by the statute. It is our contention that the duties of the Assistant Secretary of Labor are such as the duties of a master in chancery, a referee in bankruptcy or a commissioner appointed by the Court to assist the Court in making a correct finding, but the finding must be made by the Judge—in this instance, the Secretary of Labor, herself. We therefore contend that the order signed by the Assistant

Secretary of Labor is null and void and that the alien has never been legally ordered deported. This difficulty evidently was called to the attention of Congress, as the said provision providing that the order shall be signed by the Secretary of Labor was later amended, authorizing her Assistant Secretary to sign the order of deportation.

We therefore contend that the order signed by the Assistant Secretary of Labor is null and void, and that the alien has never been legally ordered deported.

We have not found any decision by this Court on this question, and Counsel for respondent and the Court of Appeals have cited none rendered of this Court. As Congress has during the past few years, created numerous Bureaus, Commissions and Departments, having quasi judicial powers, we believe it is of great importance that this Court express its opinion as to whether or not the chief officer of such departments may delegate his authority to some assistant.

Harry G. Johnson,
Attorney for Petitioner.

APPENDIX.

1.

The summary of the Immigration Inspector was as follows:

"SUMMARY: From the foregoing hearings, it is found that Costantinos or Constantinos Karpathiou alias Gus Phillips, named in Department warrant of arrest No. 55933/730, dated October 27, 1936, is an alien, a native and citizen of Greece; that he last entered the United States at New York, N. Y., on the Steamer 'La Bretagne' on September 23, 1907; that the evidence contained therein sustains the charge in the warrant of arrest, 'that he has been found managing a house of prostitution, or music or dance hall or other place of amusement, or resort, habitually frequented by prostitutes, or where prostitutes gather'; also the additional charges formally placed against the alien, 'that he has been found in the United States in violation of the immigration act of 1917, in that he has been connected with the management of a house of prostitution or place where prostitutes gather,' and that he is in the United States in violation of the immigration act of 1917 in that he has been employed in a house of prostitution or a place where prostitutes gather.' The evidence does not sustain the additional charge, 'that he has been found an inmate of a house of prostitution.'

"Recommendation: Deportation to Greece is recommended."

2.

The finding of the Assistant to the Secretary of Labor was as follows:

"The alien is subject to deportation under Section 19 of the Immigration Act of February 5, 1917, being